

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received:	11/5/2013	Received By:	mgallagh
Wanted:	As time permits	Same as LRB:	
For:	John Nygren (608) 266-2343	By/Representing:	Jennifer Malcore
May Contact:		Drafter:	mgallagh
Subject:	Criminal Law - drugs Occupational Reg. - misc	Addl. Drafters:	
		Extra Copies:	MED

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013		_____			
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013	_____	sbasford 11/5/2013		
/P2	mgallagh	evinz	jmurphy	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/9/2013	12/10/2013	11/27/2013	_____	11/27/2013		
/P3	mgallagh 12/23/2013	wjackson 12/23/2013	jfrantze 12/10/2013	_____ _____	srose 12/10/2013		
/P4	mgallagh 1/6/2014	evinz 1/6/2014	jmurphy 12/23/2013	_____ _____	lparisi 12/23/2013		
/P5	mgallagh 1/7/2014	evinz 1/7/2014	jmurphy 1/6/2014	_____ _____	srose 1/6/2014		
/P6	mgallagh 1/8/2014	evinz 1/8/2014	jmurphy 1/7/2014	_____ _____	mbarman 1/7/2014		
/1			jfrantze 1/8/2014	_____ _____	srose 1/8/2014	srose 1/8/2014	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received:	11/5/2013	Received By:	mgallagh
Wanted:	As time permits	Same as LRB:	
For:	John Nygren (608) 266-2343	By/Representing:	Jennifer Malcore
May Contact:		Drafter:	mgallagh
Subject:	Criminal Law - drugs Occupational Reg. - misc	Addl. Drafters:	
		Extra Copies:	MED

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013		_____			
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013	_____	sbasford 11/5/2013		
/P2	mgallagh	evinz	jmurphy	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/9/2013	12/10/2013	11/27/2013	_____	11/27/2013		
/P3	mgallagh 12/23/2013	wjackson 12/23/2013	jfrantze 12/10/2013	_____ _____	srose 12/10/2013		
/P4	mgallagh 1/6/2014	evinz 1/6/2014	jmurphy 12/23/2013	_____ _____	lparisi 12/23/2013		
/P5	mgallagh 1/7/2014	evinz 1/7/2014	jmurphy 1/6/2014	_____ _____	srose 1/6/2014		
/P6			jmurphy 1/7/2014	_____ _____	mbarman 1/7/2014		

FE Sent For:

11 eeV
 1/8/14

11 eeV
 1/8/14

jmy
 1/8/14

<END>

2013 DRAFTING REQUEST**Assembly Amendment (AA-AB445)**

Received: 11/5/2013 Received By: **mgallagh**
 Wanted: **As time permits** Same as LRB:
 For: **John Nygren (608) 266-2343** By/Representing: **Jennifer Malcore**
 May Contact: Drafter: **mgallagh**
 Subject: **Criminal Law - drugs** Addl. Drafters:
Occupational Reg. - misc Extra Copies: **MED**

Submit via email: **YES**
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013		_____			
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013	_____	sbasford 11/5/2013		
/P2	mgallagh	evinz	jmurphy	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/9/2013	12/10/2013	11/27/2013	_____	11/27/2013		
/P3	mgallagh 12/23/2013	wjackson 12/23/2013	jfrantze 12/10/2013	_____	srose 12/10/2013		
/P4	mgallagh 1/6/2014	evinz 1/6/2014	jmurphy 12/23/2013	_____	lparisi 12/23/2013		
/P5			jmurphy 1/6/2014	_____	srose 1/6/2014		

FE Sent For:

1pb
eev
1/7/14

1pb eev
1/7/14
<END>

gm
1/7/14

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received: 11/5/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: John Nygren (608) 266-2343 By/Representing: Jennifer Malcore
May Contact: Drafter: mgallagh
Subject: Criminal Law - drugs Addl. Drafters:
Occupational Reg. - misc Extra Copies: MED

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013					
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013		sbasford 11/5/2013		
/P2	mgallagh	evinz	jmurphy		lparisi		

James
1/6/14

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/9/2013	12/10/2013	11/27/2013	_____	11/27/2013		
/P3	mgallagh 12/23/2013	wjackson 12/23/2013	jfrantze 12/10/2013	_____	srose 12/10/2013		
/P4			jmurphy 12/23/2013	_____	lparisi 12/23/2013		

FE Sent For:

1p5
eev 1/6/14

1p5
eev 1/6/14

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received: 11/5/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: John Nygren (608) 266-2343 By/Representing: Jennifer Malcore
May Contact: Drafter: mgallagh
Subject: Criminal Law - drugs Addl. Drafters:
Occupational Reg. - misc Extra Copies:

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013		_____			
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013	_____	sbasford 11/5/2013		
/P2	mgallagh 12/9/2013	evinz 12/10/2013	jmurphy 11/27/2013	_____	lparisi 11/27/2013		

1 P4 Wly 12/23

jm
12/23

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3			jfrantze 12/10/2013	_____ _____	srose 12/10/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received: 11/5/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: John Nygren (608) 266-2343 By/Representing: Jennifer Malcore
May Contact: Drafter: mgallagh
Subject: Criminal Law - drugs Addl. Drafters:
Occupational Reg. - misc Extra Copies:

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013		_____			
/P1	mgallagh 11/27/2013	evinz 11/27/2013	jfrantze 11/5/2013	_____	sbasford 11/5/2013		
/P2			jmurphy 11/27/2013	_____	lparisi 11/27/2013		
	1p3 eev 12/10/13	1p3 eev 12/10/13		JG 12/10			

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB445)

Received: **11/5/2013** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB:
For: **John Nygren (608) 266-2343** By/Representing: **Jennifer Malcore**
May Contact: Drafter: **mgallagh**
Subject: **Criminal Law - drugs** Addl. Drafters:
Occupational Reg. - misc Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Nygren@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist /

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/5/2013	evinz 11/5/2013					
/P1			jfrantze 11/5/2013		sbasford 11/5/2013		
FE Sent For:	1/27/13	1/27/13	1/27/13				

1/27/13 *1/27/13* *1/27/13* *Jim*
<END>

2013 DRAFTING REQUEST**Assembly Amendment (AA-AB445)**

Received: 11/5/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: John Nygren (608) 266-2343 By/Representing: Jennifer Malcore
May Contact: Drafter: mgallagh
Subject: Criminal Law - drugs Addl. Drafters:
Occupational Reg. - misc Extra Copies:

Submit via email: YES
Requester's email: Rep.Nygren@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov
cathlene.hanaman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception for person known to pharmacist ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh	1/p1 eeV 11/5/13	1/p1 eeV 11/5/13	<u>11/5</u>			

FE Sent For:

<END>

From: Malcore, Jennifer
Sent: Monday, November 04, 2013 2:55 PM
To: Hanaman, Cathlene
Subject: FW: ID for prescription bill

Cathlene,

On a side note, the Representative has agreed to amend the bill to include language such as this.... if the person who picks up the prescription is known to the pharmacist, they do not have to ask for ID every time, just input their name.

This is language from the Idaho bill...

02. Personal Identification. Presentation of identification is also not required if the individual receiving the controlled substance is personally and positively known by a pharmacy or prescriber drug outlet staff member who is present and identifies the individual and the personal identification is documented by recording:



eev

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 445**

PI

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 5: after that line insert:

3 (e) No identification card is required under this section if the pharmacist or
4 other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user's authorized representative."

7 (END)



In: 11/27 Sean Thanks.
State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1137(P1
MPG:eev:jf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 445**

1/22

Insert

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 5: after that line insert:

3 “(e) No identification card is required under this subsection if the pharmacist
4 or other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user’s authorized representative.”.

7

(END)

Insert 1-6

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1137/P2ins
MPG:eev:jf

1 INSERT 1-6

2 ~~1.~~ Page 3, line 9: delete the material beginning with "Identify" and ending
3 with "drug." on line 11 and substitute: "Identify specific data elements to be
4 contained in a record documenting the dispensing of a prescription drug, including
5 the name on any identification card presented under s. 450.11 (1b), the method of
6 payment, and whether insurance covered any portion of the cost of the prescription
7 drug.". ✓

8 END INSERT 1-6

Gallagher, Michael

From: Hanaman, Cathlene
Sent: Wednesday, November 27, 2013 10:39 AM
To: Gallagher, Michael
Subject: FW: Assembly Bill 445

I think this is a1137.

From: Malcore, Jennifer
Sent: Wednesday, November 27, 2013 10:23 AM
To: Hanaman, Cathlene
Subject: Assembly Bill 445

Cathlene,

After a few meetings with some stakeholders, the Representative wishes to add method of payment to the bill. Here is what I mean. At the point of sale for a prescription narcotic, the pharmacist is already putting into the system how the person is paying for the prescription, whether it is by cash, credit or insurance. The Representative would like to add that information to be sent to the DSPS through the drug monitoring program.

Can we add that to the amendment that states if the person is known to the pharmacist they do not have to show an ID every time or does it or should it be a separate amendment?

Thanks, sorry to bother you on the Wednesday before Thanksgiving.

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

Gallagher, Michael

From: Malcore, Jennifer
Sent: Thursday, December 05, 2013 1:51 PM
To: Gallagher, Michael
Subject: RE: Draft review: LRB a1137/P2 Topic: Exception for person known to pharmacist

Not yet, we might have to address mail delivery of controlled substances. I will let you know.

Thank you,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Thursday, December 05, 2013 1:44 PM
To: Malcore, Jennifer
Subject: RE: Draft review: LRB a1137/P2 Topic: Exception for person known to pharmacist

Okay. Do you want a /1?

Mike Gallagher

Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Malcore, Jennifer
Sent: Thursday, December 05, 2013 1:41 PM
To: Gallagher, Michael
Subject: FW: Draft review: LRB a1137/P2 Topic: Exception for person known to pharmacist

Mike,

Thank you for sending the draft. If we could delete the language on line 10 after method of payment we should be good.

Thank you,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Rep.Nygren
Sent: Monday, December 02, 2013 8:44 AM

To: Malcore, Jennifer

Subject: FW: Draft review: LRB a1137/P2 Topic: Exception for person known to pharmacist

From: LRB.Legal

Sent: Wednesday, November 27, 2013 4:36 PM

To: Rep.Nygren

Subject: Draft review: LRB a1137/P2 Topic: Exception for person known to pharmacist

Following is the PDF version of draft LRB a1137/P2.



IN: 12/9

State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1137P2
MPG:eev:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 445

1P3

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: after that line insert:

3 “(e) No identification card is required under this subsection if the pharmacist
4 or other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user’s authorized representative.”.

7 **2.** Page 3, line 9: delete the material beginning with “Identify” and ending with
8 “drug.” on line 11 and substitute: “Identify specific data elements to be contained in
9 a record documenting the dispensing of a prescription drug, including the name on
10 any identification card presented under s. 450.11 (1b) the method of payment, and
11 whether insurance covered any portion of the cost of the prescription drug.”.

12 (END)

plain

Gallagher, Michael

From: Malcore, Jennifer
Sent: Monday, December 23, 2013 10:09 AM
To: Gallagher, Michael
Subject: RE: Amendment

Mike,

Here is my understanding of it. We would not delay the method of payment portion but would delay requiring pharmacies report the name of the person who picked up the prescription to PDMP. The Pharmacy would have to keep a hard copy of the name of the person who picked up the prescription at the pharmacy and make sure it is legible. The Representative is going back and forth with this one, let's delay it for two years from the effective date of the bill.

Does that make sense?

Thank you,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Friday, December 20, 2013 9:09 AM
To: Malcore, Jennifer
Subject: RE: Amendment

Here's another question. Is the intent to delay the requirement of delivery of a record containing the name and method of payment for 2 years after the effective date of the bill, i.e. after 2 years after the effective date of the bill, a record generated under the prescription drug monitoring program must include name and payment method; or is the intent to give, in perpetuity, a pharmacist or practitioner up to 2 years after the generation of a record under the program to deliver a complete record to the pharmacy examining board that includes a name and method of payment? Note that depending on when the board requires delivery of a record in its rules (see s. 450.19 (2) (e)), the latter would likely require delivery of a record twice—once when required by the board and again (with the additional information: name and payment method) up to 2 years after the record is generated or the transaction occurs.

Thanks.

Mike

Mike Gallagher
Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Malcore, Jennifer
Sent: Thursday, December 19, 2013 3:31 PM
To: Gallagher, Michael
Subject: RE: Amendment

Sure, why not

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Thursday, December 19, 2013 3:30 PM
To: Malcore, Jennifer
Subject: Amendment

Jennifer: A quick follow-up. Did you want that as a redraft of the existing amendment?

Michael P. Gallagher

Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
P.O. Box 2037
Madison, WI 53701-2037
(608) 267-7511
michael.gallagher@legis.wisconsin.gov



In: 12/23 Soar Tranzs

State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1137(P3)

MPG:eevjf

TWLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 445

1p4

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: after that line insert:

3 “(e) No identification card is required under this subsection if the pharmacist
4 or other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user’s authorized representative.”.

7 **2.** Page 3, line 9: delete the material beginning with “Identify” and ending with

8 “drug.” on line 11 and substituted “Identify specific data elements to be contained in

9 a record documenting the dispensing of a prescription drug, including the name on

10 any identification card presented under s. 450.11 (1b) and the method of payment..” ✓

11 (END)

the method of payment and, after 2 years after the
effective date of this paragraph [LRB inserts
date]

Gallagher, Michael

From: Malcore, Jennifer
Sent: Friday, January 03, 2014 11:06 AM
To: Gallagher, Michael
Subject: RE: Amendment LRB 1137/P4

Mike,

No rush.

Yes, the Representative would like the ID to be asked for, if unknown to the pharmacist, and have that person's name recorded legibly and kept in the pharmacy's records. The reason for the 2 year delay of implementation to give the information to the PDMP is to make sure that pharmacy's software system can be upgraded to provide that information. The Representative also wants to make sure the method of payment is recorded and submitted to PDMP on the effective date of the bill.

I don't believe it is necessary to back fill the names, it is my understanding that those "hard" records at the pharmacy are kept for 5 to 7 years.

Does this help?

Thank you for all your hard work.

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Friday, January 03, 2014 9:59 AM
To: Malcore, Jennifer
Subject: RE: Amendment LRB 1137/P4

I'm working on it. It isn't done yet.

It looks like you want to prohibit the prescription drug monitoring program (PDMP) from requiring that a record delivered subject to the PDMP before 2 years after the effective date of the bill contain the name on an identification card presented under s. 450.11 (1b) (as created in the bill); but you want to have the PDMP require that a pharmacist or practitioner subject to the PDMP keep a record of the name before that date. Is that right? As currently drafted, the bill would simply postpone for 2 years the requirement that a record created and delivered subject to the PDMP contain the name.

Do you also want to require that, after the 2 years passes, any record delivered during that 2 year period that did not contain the name must be updated to show the name? Let me know.

Thanks.

Mike

Mike Gallagher

Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Malcore, Jennifer
Sent: Friday, January 03, 2014 9:20 AM
To: Gallagher, Michael
Subject: RE: Amendment LRB 1137/P4

Mike,

Yes it is, if I may ask what did you have to re-draft?

Thank you for your help.

Jennifer Malcore
Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Friday, January 03, 2014 9:11 AM
To: Malcore, Jennifer
Subject: RE: Amendment LRB 1137/P4

I will have to draft additional language for s. 450.11 to do this. I'll do a redraft. It looks like the exec is on the 9th, right?

Mike Gallagher
Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Malcore, Jennifer
Sent: Thursday, January 02, 2014 9:01 AM
To: Gallagher, Michael
Subject: Amendment LRB 1137/P4

Mike,

I looked over the amendment, to sum it up, we would like method of payment to be reported to PDMP after the bill is effective and we will give 2 years from effective date for pharmacies to update their systems to be able to report the person who picked up the prescription to be reported to PDMP but in the meantime, pharmacists will ask for ID when a person is picking up a schedule I or II narcotic, the pharmacist will record the name legibly and keep in their in house records. Right?

Thanks,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344



Thank you

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 445

1PS

Insert

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: after that line insert:

3 “(e) No identification card is required under this subsection if the pharmacist
4 or other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user’s authorized representative.”.

7 **2.** Page 3, line 9: delete the material beginning with “Identify” and ending with
8 “drug.” on line 11 and substitute “Identify specific data elements to be contained in
9 a record documenting the dispensing of a prescription drug, including the method of
10 payment and, after 2 years after the effective date of this paragraph [LRB inserts
11 date, the name on any identification card presented under s. 450.11 (1b).”.

12

(END)

subject to sub (2m)

Insert 1-11

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1137/P5ins
MPG:eev&wlj:jm

1 INSERT 1-11

2 ~~///~~ Page 3, line 14: after that line insert:

3 "SECTION 3m. 450.19 (2m) of the statutes is created to read:

4 450.19 (2m) The rules promulgated under sub. (2) may not require that a
5 record delivered to the board before 2 years after the effective date of this paragraph
6 [LRB inserts date] contain the name on an identification card presented under s.
7 450.11 (1b).".
8

END INSERT 1-11

subsection

Gallagher, Michael

From: Malcore, Jennifer
Sent: Monday, January 06, 2014 5:40 PM
To: Gallagher, Michael
Subject: Amendment for AB 445

Mike,

Sorry to bother you again.

So, last week we covered this....

Yes, the Representative would like the ID to be asked for, if unknown to the pharmacist, and have that person's name recorded legibly and kept in the pharmacy's records. The reason for the 2 year delay of implementation to give the information to the PDMP is to make sure that pharmacy's software system can be upgraded to provide that information. The Representative also wants to make sure the method of payment is recorded and submitted to PDMP on the effective date of the bill.

I don't believe it is necessary to back fill the names, it is my understanding that those "hard" records at the pharmacy are kept for 5 to 7 years.

I had some thoughts over the weekend. I want to make sure that the legislation states that pharmacist records the person who picked up the prescription, legibly and kept in the pharmacies copies as soon as the bill becomes effective, that is not part of the delay, and that when it is implemented after 2 years, that field always has to be filled in with a name.

Talk to you tomorrow.

Thanks,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 445

176

Insect 1-1

1 At the locations indicated, amend the bill as follows:

2 ~~*~~ Page 3, line 5: after that line insert:

3 “(e) No identification card is required under this subsection if the pharmacist
4 or other person dispensing or delivering a drug has personal knowledge of the person
5 to whom the drug is dispensed or delivered and that the person is the ultimate user
6 or the ultimate user’s authorized representative.”.

7 ~~*~~ Page 3, line 9: delete the material beginning with “Identify” and ending with
8 “drug.” on line 11 and substitute “Identify specific data elements to be contained in
9 a record documenting the dispensing of a prescription drug, including the method of
10 payment and, subject to sub. (2m), the name on any identification card presented
11 under s. 450.11 (1b).”.

12 ~~*~~ Page 3, line 14: after that line insert:

“SECTION 3m. 450.19 (2m) of the statutes is created to read:

450.19 (2m) The rules promulgated under sub. (2) may not require that a record delivered to the board before 2 years after the effective date of this subsection ... [LRB inserts date], contain the name on an identification card presented under s. 450.11 (1b).”.

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1137/P6ins
MPG:eev&wlj:jm

1 INSERT 1-11

2 **1.** Page 1, line 3: after “drugs” insert “and authorizing the exercise of
3 rule-making authority”. ✓

4 **2.** Page 2, line 12: after that line insert:

5 “(bm) A pharmacist or other person dispensing or delivering a drug shall legibly
6 record the name on each identification card presented under par. (b) to the
7 pharmacist or other person and shall maintain that record for at least 5 years unless
8 a different time is established by the board by rule.”. ✓

9 **3.** Page 2, line 17: delete “under s. 450.19”. ✓

10 END INSERT 1-11

Gallagher, Michael

From: Malcore, Jennifer
Sent: Wednesday, January 08, 2014 8:46 AM
To: Gallagher, Michael
Subject: FW: Draft review: LRB a1137/P6 Topic: Exception for person known to pharmacist
Attachments: AB445 with 1-3 amendments - TG edits.docx; ATT00001.htm

Mike,

Please read below, I will be calling shortly.

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Jeremy Shepherd [<mailto:jeremey@martinschreiber.com>]
Sent: Tuesday, January 07, 2014 6:19 PM
To: Malcore, Jennifer
Subject: Fwd: Draft review: LRB a1137/P6 Topic: Exception for person known to pharmacist

Jenny, sorry it took awhile but here's the suggested changes.

Sent from my iPhone

Begin forwarded message:

From: "George, Tomson" <tomson.george@walgreens.com>
Date: January 7, 2014 at 6:17:28 PM CST
To: Jeremy Shepherd <jeremey@martinschreiber.com>
Cc: Ken Walsh <ken@martinschreiber.com>, "McCalpine-Wittenmyer, Lisa" <lisa.mccalpine-wittenmyer@walgreens.com>
Subject: RE: Draft review: LRB a1137/P6 Topic: Exception for person known to pharmacist

Jeremy,

Attached is my edited version. Please review and let me know if you have any questions. I am requesting the following considerations (highlighted in the doc):

Page 1

- 1a) reduce the number of years required to maintain documentation from 5 years to 2 years.
- 1b) ensure that there are not duplicate record keeping requirements.
 - For example, if the pharmacy is reporting the ID information to the state (in 2 years), I do not think the pharmacy should be required to also maintain the documentation on site, because the information will already have been reported to the board.

Page 2

2a) restructured sentence structure as indicated for 450.19 (2m) [seemed to flow better into the suggested edit]

2b) created the ability for the board to establish exemption parameters

- This can be applied to mail order pharmacies, or temporarily applied to select pharmacies who encounter technical challenges with reporting ID information

2c) created the ability for the board to extend [across the board] the 2 year effective date of reporting ID information if it is determine not to be technically feasible

Thank you,
Tomson

Tomson George, RPh
Manager, Pharmacy Regulatory Systems
p 847-315-2103
m 224-645-1627
f 847-315-3109

On Jan 7, 2014, at 2:44 PM, "Jeremey Shepherd" <jeremey@martinschreiber.com> wrote:

Lisa and Tomson,

Please see the email and attachment of the latest draft amendment from Rep. Nygren's office to AB 445. Under the sub section I copied below, they are asking us to insert Tompson's suggested language that gives the Secretary of the Department of Safety and Professional Services and the PEB, in consultation with stakeholder groups, the ability to extend the implementation of the law, if Pharmacy is unable to comply.

450.19 (2m) The rules promulgated under sub. (2) may not require that a record delivered to the board before 2 years after the effective date of this subsection

.... [LRB inserts date], contain the name on an identification card presented under s. 450.11 (1b).".

AN ACT to amend 450.19 (2) (b); and to create 450.11 (1b) and 450.11 (9) (bm) of the statutes; relating to: identification presentation and monitoring for certain prescription drugs **and authorizing the exercise of rule-making authority.**

450.11 Prescription drugs and prescription devices.

450.11(1)(1) Dispensing. No person may dispense any prescribed drug or device except upon the prescription order of a practitioner. All prescription orders shall specify the date of issue, the name and address of the practitioner, the name and quantity of the drug product or device prescribed, directions for the use of the drug product or device, the symptom or purpose for which the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is written by the practitioner, the signature of the practitioner. Except as provided in s. 448.035 (2), all prescription orders shall also specify the name and address of the patient. Any oral prescription order shall be immediately reduced to writing by the pharmacist and filed according to sub. (2).

450.11 (1b) IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES.

(a) In this subsection, "identification card" means any of the following:

- 1. An operator's license issued under ch. 343.*
- 2. An identification card issued under s. 343.50.*
- 3. An identification card issued by a U.S. uniformed service.*
- 4. A U.S. passport.*

(b) Except when administered or dispensed directly to the ultimate user by a practitioner, a controlled substance included in schedule II or III of ch. 961 may not be dispensed, and may not be delivered to a representative of the ultimate user, without an identification card belonging to the person to whom the drug is being dispensed or delivered. "(bm) A pharmacist or other person dispensing or delivering a drug shall legibly record the name on each identification card presented under par. (b) to the pharmacist or other person and shall maintain that record for at least 5-2 years unless a different time is established by the board by rule, or otherwise delivered directly to the board, as indicated under s.450.19

(c) If the person to whom a drug subject to par. (b) is being delivered is not the ultimate user of the drug, the person delivering the drug may ask the ultimate user of the drug to designate a person who is authorized to pick up the drug on behalf of the ultimate user and may inform the person to whom the drug is being delivered that his or her identification is being recorded. under s. 450.19.

(d) A pharmacist is immune from any civil or criminal liability and from discipline under s. 450.10 for any act taken by the pharmacist in reliance on an identification card that the pharmacist reasonably

believed was authentic and displayed the name of the person to whom the drug was being delivered if the sale was made in good faith.

(e) No identification card is required under this subsection if the pharmacist or other person dispensing or delivering a drug has personal knowledge of the person to whom the drug is dispensed or delivered and that the person is the ultimate user or the ultimate user's authorized representative.

450.19 Prescription drug monitoring program.

450.19(2) (2) The board shall establish by rule a program for monitoring the dispensing of prescription drugs. The program shall do all of the following:

450.19(2)(a) (a) Require a pharmacist or practitioner to generate a record documenting each dispensing of a prescription drug and to deliver the record to the board, except that the program may not require the generation of a record when a drug is administered directly to a patient.

450.19(2)(b) (b) Identify specific data elements to be contained in a record documenting the dispensing of a prescription drug. ~~Identify specific data elements to be contained in a record documenting the dispensing of a prescription drug, including the method of payment and, subject to sub. (2m), the name on any identification card presented under s. 450.11 (1b).~~

In identifying specific data elements, the board shall consider data elements identified by similar programs in other states and shall ensure, to the extent possible, that records generated by the program are easily shared with other states.

450.19 (2m) The rules promulgated under sub. (2) may not require that a record delivered to the board before 2 years after the effective date of this subsection [LRB inserts date], contain the name on an identification card presented under s. 450.11 (1b), before 2 years after the effective date of this subsection [LRB inserts date]. The board has the authority to establish exemption parameters or further extend the 2 year effective date of this subsection if, upon consultation with pharmacy stakeholders, it is determined that delivery of identification information is not technically feasible.

Gallagher, Michael

From: Malcore, Jennifer
Sent: Tuesday, January 07, 2014 5:57 PM
To: Gallagher, Michael
Subject: AB 445

Mike,

Just wanted to give you a heads up, the latest amendment was sent to the representatives of Walgreen's and they should have something for us in the morning, so to that we will add in conjunction with the DSPS secretary or however you want to put it. I am aware that PEB has final authority but it will be written in statute so we can deal with it in 2 years. I want to make it real clear that after the 2 years the pharmacies will still have to keep a hard copy of the person who picked up the prescription, that will not end. If language needs to be added for that, we may want to consider that. Also I want to make sure that they are checking ID's not just putting down known to pharmacist, the name of the person picking up the prescription should always be written down.

We can talk tomorrow.

Thank you,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

Gallagher, Michael

From: Malcore, Jennifer
Sent: Wednesday, January 08, 2014 12:42 PM
To: Gallagher, Michael
Subject: RE: Mail delivery for AB 445

Mike,

Disregard my last e-mail, please add the language in the original e-mail and the changes we talked about this morning. That should be it.

On AB 448, could we please amend the effective date to July 1st 2015 and send that out right away.

Thanks,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344

From: Gallagher, Michael
Sent: Wednesday, January 08, 2014 11:08 AM
To: Malcore, Jennifer
Subject: RE: Mail delivery for AB 445

I actually haven't had a chance to look at this yet, but, yes, that looks doable. Let me know if you want me to add it to the amendment.

Mike Gallagher

Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: Malcore, Jennifer
Sent: Wednesday, January 08, 2014 11:01 AM
To: Gallagher, Michael; Rose, Laura
Subject: Mail delivery for AB 445

Mike and Laura,

I know you are both working on this question that I had. In the e-mail from Walgreen's they stated this...

Create the ability for the board (I assume PEB, in administrative rule) to establish exemption parameters

- This can be applied to mail order pharmacies

Is this something we can do to appease?

Thanks,

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair , Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2344



Now Thanks
State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1137/P6
MPG:eev&wlj:jm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 445**

11

subject to S. 450.19,

is for a record that

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: after "drugs" insert "and authorizing the exercise of
3 rule-making authority".

4 2. Page 2, line 12: after that line insert:

5 "(bm) A pharmacist or other person dispensing or delivering a drug shall legibly
6 record the name on each identification card presented under par. (b) to the
7 pharmacist or other person and shall maintain that record for at least 5 years unless

8 a different time is established by the board by rule".

9 3. Page 2, line 17: delete "under s. 450.19".

10 4. Page 3, line 5: after that line insert:

11 "(e) No identification card is required under this subsection if the pharmacist
12 or other person dispensing or delivering a drug has personal knowledge of the person

or until the name is delivered to the board under
S. 450.19, whichever is ~~later~~ sooner

1 to whom the drug is dispensed or delivered and that the person is the ultimate user
2 or the ultimate user's authorized representative."

3 **5.** Page 3, line 9: delete the material beginning with "Identify" and ending with
4 "drug." on line 11 and substitute "Identify specific data elements to be contained in
5 a record documenting the dispensing of a prescription drug, including the method of
6 payment and, subject to sub. (2m), the name on any identification card presented
7 under s. 450.11 (1b)."

8 **6.** Page 3, line 14: after that line insert:

9 "SECTION 3m. 450.19 (2m) of the statutes is created to read:

10 450.19 (2m) (a) The rules promulgated under sub. (2) may not require that a
11 record delivered to the board before 2 years after the effective date of this subsection
12 [LRB inserts date], contain the name on an identification card presented under
13 s. 450.11 (1b)."

14 (END)

paragraph

Insert Z-13

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1137/lins
MPG:eev&wlj:jm

1 INSERT 2-2

2 ④ (f) The board may, by rule, establish an exemption from the requirements under
3 this subsection for the delivery of a drug by mail if the board determines that the
4 exemption is necessary.”. ✓

5 END INSERT 2-2

6 INSERT 2-13

7 (b) After consultation with representatives of licensed pharmacists and
8 pharmacies, and subject to the approval of the secretary, the board may delay the
9 requirement that a record delivered to the board contain the name on an
10 identification card presented under s. 450.11[✓] (1b) for an additional period beyond the
11 date specified in par. (a).”. ✓

12 END INSERT 2-13